

HIGH COURT OF JUDICATURE FOR RAJASTHAN
BENCH AT JAIPUR

S.B. Criminal Misc. Suspension Of Sentence Application (Appeal)
No. 1160/2024

CNR: RJHC020622732024 | URN: SOSA / 2047U / 2024

In

S.B. Criminal Appeal No.3316/2023

Raj Kumar @ Raju Son Of Shri Kanhiya Lal, Aged About 43
Years, R/o Oil Dipot Ke Pass, FCI Godam Ke Piche, Somalpur
Road, Police Station Ramganj, District Ajmer (Rajasthan) (At
Present Accused Is In Central Jail, Ajmer)

----Appellant

Versus

State Of Rajasthan, Through Public Prosecutor

----Respondent

For Appellant(s)	:	Mr. Deepak Soni
For Respondent(s)	:	Mr. Shree Ram Dhakad, PP

HON'BLE MR. JUSTICE VINOD KUMAR BHARWANI

Order

19/08/2026

Instant application for suspension of sentence has been preferred on behalf of the applicant-appellant under Section 430 of B.N.S.S. alongwith the appeal, to suspend the sentence awarded by the Special Court, Protection of Children from Sexual Offences Act, 2012 & Commission for Protection of Child Rights Act, 2005, No.2, Ajmer (Raj.) *vide* its judgment dated 13.10.2023 in Sessions Case No.136/2021, whereby the applicant-appellant was convicted for the alleged offence(s) & sentenced to undergo maximum period of twenty years rigorous imprisonment with fine.

Learned counsel for the applicant-appellant submits that the applicant is behind the bars since 26.09.2021 and the DNA report

also does not support the case against the appellant. As per the Custody Certificate, the appellant has served more than five years & three months in the custody out of the actual sentence. Counsel further submits that there are contradictions in the statements of the witnesses and the learned Trial Court has not appreciated the facts & circumstances of the case holistically and the hearing of the appeal will take its own time, hence, the sentence awarded to the applicant-appellant may be suspended during the pendency of the appeal.

It is hereby noted that despite intimation being served on victim/complainant, no one has appeared on behalf of complainant/victim.

Learned Public Prosecutor has vehemently opposed the submissions made herein-above.

Heard learned counsel for the parties and perused the material made available on record.

Taking into consideration the conviction, term of sentence & the submissions made at bar and without commenting upon the merits of the case, this Court deems it just and proper to suspend the sentence awarded to the applicant-appellant during the pendency of the appeal.

Accordingly, the application for suspension of sentence is **allowed** and it is, hereby, ordered that the execution of sentence awarded to accused-applicant, namely **Raj Kumar @ Raju Son Of Shri Kanhiya Lal**, by the learned Trial Court shall remain suspended during pendency of the appeal, provided he furnishes a personal bond in the sum of Rs.50,000/- together with two



sureties of Rs.25,000/- each, to the satisfaction of the learned Trial Court with the stipulation that he shall appear before this Court on 18.09.2026 and thereafter, as and when he is called upon to do so.

(VINOD KUMAR BHARWANI),J

24/SAURABH